



Roll Call Training Bulletin

Produced by: Mike Hight, PSU
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Sacramento City Attorney's Office

Rick Braziel, Chief of Police

Volume 14

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SOCIAL HOST ORDINANCE ***Changes to Chapter 9.12 of the Sacramento City Code***

Effective December 22, 2010, the Sacramento City Council adopted the addition of Article IV to Chapter 9.12 of the Sacramento City Code relating to social host liability for alcohol consumption by minors. The purpose of this article was to prohibit the hosting, permitting or allowing of gatherings where minors are consuming alcoholic beverages and holding persons who allow these gatherings responsible for the nuisances created by and the costs associated with responding to such gatherings.

9.12.200 Definitions.

- Family gathering - a gathering where each minor present is supervised by his or her parent or guardian.
- Gathering - any party, event or other meeting where two or more persons have assembled or are assembling for a social occasion or social activity.
- Guardian - a person who by court order is the guardian of a minor, or a public or private agency with whom a minor has been placed by the court.
- Host a gathering - to permit or allow a gathering to take place.
- Juvenile - a person under the age of 18.
- Minor - a person under the age of 21.
- Parent - a person who is a natural parent, adoptive parent, foster parent or step-parent.
- Response costs - costs associated with law enforcement, fire, or other emergency response personnel responding to, remaining at or leaving the scene of a gathering including but not limited to:
 1. Salaries and benefits of law enforcement, fire, or other emergency response personnel.
 2. Administrative costs.
 3. The cost of any medical treatment of injuries to any law enforcement, fire or other emergency response personnel.
 4. The cost of the use of City equipment.
 5. The cost of repairing any damaged City equipment or property.
 6. Any other costs related to the enforcement of this article.
- Social host - a person who hosts a gathering including but not limited to the following:
 1. The owner, tenant, landlord, property manager or person in charge of the private property where the gathering takes place.
 2. The person who organizes, supervises, officiates, conducts, controls or is otherwise in charge of a gathering.



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9.12.210 Consumption of alcohol by a minor on private property prohibited.

Except as provided by Section 9.12.230 (below), no minor shall consume any alcoholic beverage on private property.

9.12.220 Hosting a gathering where minors consume alcoholic beverages prohibited.

Except as provided by Section 9.12.230 (below), no person shall host a gathering on private property where such person knows or reasonably should know that alcoholic beverages are being served to, possessed by or consumed by a minor. It shall be a rebuttable presumption that the person knew or should have known that alcoholic beverages are being served to, possessed by or consumed by a minor.

9.12.230 Exemptions.

- A. The provisions of Sections 9.12.210 and 9.12.220 (above) shall NOT apply to:
1. Conduct involving the use of alcoholic beverages as permitted under federal or State law.
 2. Premises regulated by the California Department of Alcohol and Beverage Control.
 3. A family gathering.
- B. The provision of Section 9.12.220 shall NOT apply to a social host who initiates contact with law enforcement to assist in the removal of any person from a gathering or terminating the gathering in order to comply with this article, provided that such request be made BEFORE any other person contacts law enforcement to complain about the gathering.
- C. The provision of Section 9.12.220 shall NOT apply to landlords, property managers, and similar owner agents of such private property, with the SOLE EXCEPTION of any owner who, whether on a temporary or permanent basis, leases, rents or allows the use of such private property by or to a family member for any purpose with or without compensation.

9.12.240 Recovery of response costs.

- A. The response costs incurred for the **SECOND** and **ANY** subsequent response within any **60-DAY PERIOD** to the **SAME PROPERTY** for a violation of this article shall be imposed on a social host. All social hosts in violation of Section 9.12.220 for the same gathering shall be jointly and severally liable for the response costs incurred in response to their gathering. If the social host who is in violation of Section 9.12.220 and liable for the response costs is a juvenile, the juvenile and the parent of such juvenile shall be jointly and severally liable for the response costs. The amount of response costs shall constitute a debt owed to the City.
- B. Notice of the response costs will be served via first-class mail by the Police Department's Fiscal Division.
- C. Payment for response costs shall be remitted to the City of Sacramento Revenue Division within 30 calendar days of the date of the notice. The payment of such costs shall be stayed upon the filing of a timely appeal.
- D. A social host charged with response costs may, within ten calendar days of the date of notice of response



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costs, appeal the response costs in accordance with Article IV of Chapter 1.24. Failure to file a timely appeal shall constitute a failure to exhaust available administrative remedies and shall bar any further or other review or appeal of the response costs.

9.12.250 Violation.

- A. In addition to any other remedy allowed by law, any person who violates a provision of this article is subject to criminal sanctions, civil actions and administrative penalties pursuant to Chapter 1.28.
- B. Violations of this article are hereby declared to be a public nuisance.
- C. Any person who violates a provision of this article is liable for civil penalties of not less than \$250.00 or more than \$25,000 for EACH separate offense.
- D. Any person who violates a provision of this article is guilty of a MISDEMEANOR.
- E. All remedies prescribed under this article shall be cumulative and the election of one or more remedies shall not bar the City from the pursuit of any other remedy for the purpose of enforcing the provisions hereof.

How the Change Effects How the Police Department Does Business:

Officers responding to a call for service where alcoholic beverages are being served to, possessed by or consumed by any minors are encouraged to complete an initial information report and notify their sergeants. The report should include:

- Name of the social host.
- Address of the private property where the gathering occurred.
- Date and time of the response.
- Names and badge numbers of all responding law enforcement and/or fire personnel.

Sergeants are encouraged to authorize the entry of a premise history to the location with an expiration of 60 days from the violation. This will help ensure that responding officers from different shifts or with different days off will be made aware of the initial social host response.

Officers responding to a second call for service within **60 DAYS** to the same location where alcoholic beverages are being served to, possessed by or consumed by any minors are encouraged to complete a second information report that contains the above described information with addition to a misdemeanor citation number. This report should reference the initial information report and date.

In order for the enforcement of Article IV to occur, officers must complete a SPD 587 - Cost Recovery Officer Worksheet and send an email notification to Program Analyst Christine Autio in the Fiscal Division.

The **SPD 587** is the same cost recovery form for DUI, Loud Party and Graffiti Abatement. A box was added for Social Host Ordinance violations. A copy of the form is attached.



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SACRAMENTO POLICE DEPARTMENT COST RECOVERY OFFICER WORKSHEET

Check Appropriate Box

REPORT NO:

- DUI:** State law and City of Sacramento Code Section 3.04.100 authorize the recovery of costs incurred due to an emergency response by either Police or Fire units, provided the emergency response was initiated as a result of a DUI accident.
- LOUD PARTY:** City of Sacramento Code Section 8.68.140 authorizes the recovery of costs incurred due to repeated responses to complaints of loud parties and gatherings after the responsible party has first been warned.
- GRAFFITI ABATEMENT:** City of Sacramento Code Section 8.24.050 authorizes the recovery of costs incurred for the abatement of graffiti including law enforcement costs in identifying and apprehending a minor or other person who defaces property with graffiti.
- SOCIAL HOST ORDINANCE:** City of Sacramento Code Section 9.12 authorizes the recovery of costs incurred due to repeated responses to complaints of loud parties and/or underage drinking on private property after the responsible party has first been warned.

In order to properly bill the responsible party, this form must be completed in its entirety. The completed form must be attached to either the DUI or Information/Crime report as a face sheet and submitted to your sergeant for approval.

Emergency Response Required by Police and/or Fire (Use of Red Lights and/or Siren) (REQUIRED FOR DUI ONLY)			<input type="checkbox"/> YES	<input type="checkbox"/> NO
Number of Police Officers Involved: (REQUIRED FOR ALL RECOVERY TYPES)				
Identify Time for each officer if two officer unit	Unit Identifier	Badge No.	Time Spent <u>per officer</u> on Call (Including Report Writing)	

FIRE DEPARTMENT RESPONSE (Required For DUI Only)		<input type="checkbox"/> YES	<input type="checkbox"/> NO
Number of Fire Units Involved:			
Unit Identifier:		Time Spent on Call:	
Unit Identifier:		Time Spent on Call:	
Radio Call No.(s)		if not Fluent in English Indicate other language:	
Other Report No.(s)/Type:			

Reporting Officer(s)		Approved By:	
Name:	Badge #:	Name:	Badge No:
Name:	Badge #:	Date:	

SERGEANT ONLY- COST RECOVERABLE YES NO

SPD 587 (Rev 02/11)